

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

John Willard Greywind,)	
)	
)	ORDER DENYING MOTION TO
Plaintiff,)	COMPEL
)	
vs.)	Case No. 1:10-cv-006
)	
James T. Podrebarac, Leann Bertsch,)	
Patrick Branson, and Kathy Bachmeier,)	
)	
Defendants.)	

Plaintiff John Greywind filed a Motion to Compel (Docket No. 35) with this court on May 6, 2011. Defendants replied, opposing the motion, on May 20, 2011. (Docket No. 36). Greywind included no factual information or argument with his motion. Defendants opposed the motion on the ground that they received Greywind's interrogatories on or about April 7, 2011 and responded to the interrogatories on May 3, 2011, objecting to them as untimely. The parties' deadline for fact discovery and the filing of discovery motions passed on February 4, 2011, per the scheduling order entered by this court on August 31, 2011. (Docket No. 19).

It appears to the court that Greywind is aware of his responsibility to timely file motions and responses with the court, as he requested an extension on his response to defendants' motion for summary judgment on December 23, 2010. (Docket No. 30). Greywind has requested no discovery extensions from this court, nor provided any information to this court explaining the post-deadline service of the interrogatories and filing of the motion to compel.

As the period set out in the scheduling order in this matter passed nearly three (3) months before Greywind filed the motion to compel, the motion is **DENIED**.

IT IS SO ORDERED.

Dated this 25th day of August, 2011.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court